

Planning Committee – 9 January 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, A Govier, C Hill,
Mrs Hill, Miss James, Morrell, Mrs Smith, Watson, A Wedderkopp,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Matthew Bale (West Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillor Beaven in connection with application No 13/12/0008;
Councillor Mrs Herbert in connection with application No 38/12/0265;
Councillor Mrs Stock Williams in connection with application No 43/12/0084 and Mrs A Elder, Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

1. Apologies

Councillors Mrs Messenger and Tooze.

2. Minutes

The minutes of the meetings of the Planning Committee held on 7 November 2012 and 28 November 2012 were taken and read and were signed.

3. Declarations of Interest

Councillors A Govier and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared a personal interest as he knew the applicant for application No 53/12/0008, and stood down as Chairman of the Committee for this item. Vice-Chairman Councillor Coles temporarily took the chair. Councillors Mrs Hill and Mrs Smith declared personal interests as employees of Somerset County Council. Councillor Wren declared a personal interest as an employee of Natural England. He also declared a personal interest in application No 23/12/0032 and left the room during it discussion. Councillors Mrs Allgrove, Bishop and A Govier declared that they had received communications from members of the public in regard to application No 43/12/0084. They felt that they had not “fettered their discretion”. Councillor Watson declared that he knew the applicants for application Nos 13/12/0008 and 53/12/0008. He did not feel that he had “fettered his discretion”. Councillor Bishop declared that application No 23/12/0032 had been considered at Nynehead Parish Council and that he had taken no part in the discussion.

4. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments:-

23/12/0032

Installation of 19,640 no. ground mounted Photovoltaic Solar Panels to provide a 5mw installation with power inverter systems, transformer stations, sub-station, security fencing and access gates in a field north of Grange Farm, Nynehead.

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-
 - (A2) DrNo BRS.4133.006 rev A Planting Plan
 - (A3) DrNo BRS.4133_08-1a Point of Connection Plan
 - (A0) DrNo BR8120866_01 rev P3 Solar compound site layout
 - (A0) DrNo BS8120866_02 rev P3 Solar compound site fencing
- (c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production.
- (d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.
- (e) Prior to the commencement of the development, details of a strategy to protect wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Michael Woods Associate's ecological survey dated September 2012 and include:
 - Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of all timing of works to avoid periods of work when the species could be harmed by disturbance;
 - Measures for the retention and replacement and enhancement of places of rest of species.

Once approved the works shall be implemented in accordance with the approved details and timings of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained.

- (f) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (g) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Environment Management Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The details shall include how the site will be maintained during the course of the development, including any temporary protection of ecological interest on the access routes. The Environmental Management Plan and Construction Environmental Management Plan shall be implemented as approved for the duration of the approved development including the decommissioning phase.
- (h) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within six months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (i) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.
- (j) No development shall commence until a scheme to limit surface water flows from the development during the construction and operational phases has been submitted to, and agreed in writing by, the Local Planning Authority. The development shall be implemented and maintained in accordance with the details of the approved scheme.
- (k) No development shall take place within 6m of the top of bank of any river or ditch at any time during the development.
- (l) Prior to the commencement of the development hereby permitted, a Construction Traffic Management Plan shall be submitted to, an approved in writing by, the Local Planning Authority. The plan shall include the size of vehicles to be used for deliveries and the routes to be used. The

- developer shall ensure that any contract for deliveries to the site shall stipulate the vehicles sizes and routes approved in the management plan.
- (m) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.
 - (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting the Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.
 - (o) No external artificial lighting shall be installed on the site.

(Note to Applicant:-

Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission).

Reason for granting planning permission:-

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some slight, localised harm to the visual amenities of the area, however, the benefits are considered to outweigh the limited harm and the proposal is acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of the Taunton Deane Core Strategy. The development would not cause harm to wildlife interests, the amenities of nearby property nor highway safety, nor would it lead to an increase in off-site flooding. It was therefore, considered to be acceptable in accordance with Policy DM1 (General Requirements) and guidance contained in the National Planning Policy Framework.

24/12/0039

Development of solar photovoltaic farm comprising approximately 5,304 No panels, rated at up to 1.5MW, and covering an acre of 3.9 hectares, complete with installation of associated infrastructure including mounting frames, inverter, transformer, substation, pole mounted CCTV cameras and fence at Higher Knapp Farm, Knapp

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.

(b) The development hereby permitted shall be carried out in accordance with the following approved plans:-

- (A3) DrNo PD184 Rev C Row Layout
- (A3) DrNo PD184 Rev C PV Layout (amended plan)
- (A3) DrNo PD184 Rev C CCTV Layout (amended plan)
- (A1) DrNo E739-25-01-O WDP Substation Elevations, Sections & 3D Views
- (A0) DrNo (66) 602 E-House Arrangements
- (A3) DrNo PE10041/Figure 1 Zone of Theoretical Visibility
- (A3) Deer Fencing Details- No Small Mammal Gate
- (A0) DrNo (66)6603 Rev C3 Typical Inverter House Arrangement
- (A0) DrNo (66)6603 Rev C3 Typical Inverter House Arrangement
- (A1) DrNo PE11041-001 Topographical Survey 15 August 2012
- (A3) DrNo PE10041-001 Figure 14 Planting Plan
- (A3) DrNo PE10041-002 Habitat Plan
- (A3) DrNo SKD184 Rev B Landscape Plan
- (A1) DrNo PE10041-002 Indicative Swale Location Plan
- (A3) Site and Location Plan

(c) Within 25 years and six months following the development hereby permitted being brought into use, or within six months of the cessation of electricity generation by the solar PV facility hereby permitted, whichever is the sooner, the solar PV panels, frames, ground screws, inverter housings, and all associated structures, foundations and fencing approved shall be dismantled and removed from the site. The site shall subsequently be restored in accordance with a scheme and method statement (that shall include deconstruction traffic management) that shall have been submitted to, and approved in writing by, the Local Planning Authority no later than three months following the cessation of power production.

(d) The site operator shall inform the Local Planning Authority within five days of being brought into use that the site is operational and producing electricity.

(e) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Wardell-Armstrong LLP submitted report, dated September 2012 and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for breeding birds shall be permanently maintained. The development shall not be occupied until the scheme for the

maintenance and provision of the new bird boxes and related accesses have been fully implemented.

- (f) No development approved by this permission shall be commenced until a detailed surface water run-off limitation scheme, together with supporting calculations, has been submitted to, and approved in writing by, the Local Planning Authority. The submitted details shall clarify the intended future ownership and maintenance for all drainage works serving the site. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- (g) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. The development shall be carried out at all times in accordance with the agreed scheme or some other scheme that may otherwise be agreed in writing by the Local Planning Authority.
- (h) Prior to the commencement of the development hereby permitted, a condition survey of the existing public highway including the road surface and boundary hedgebanks shall be carried out in accordance with details that shall previously have been agreed with the Local Planning Authority in consultation with the Local Highway Authority. Any damage caused to the highway and boundary hedgebanks shall be remedied by the developer within six months of the completion of the construction phase unless otherwise agreed in writing by the Local Planning Authority.
- (i) (i) Before any part of the development hereby permitted is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority. This scheme shall include hazels, which can be coppiced on rotation, on the eastern section of the field
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of five years after completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by, the Local Planning Authority.
- (j) Prior to the commencement of development an Environmental, Landscape and Ecological Management Plan and a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The Environmental Management Plan shall include details of how risks of water pollution shall be minimised during the construction phase of the development, the proposed method of decommissioning of the development and how the site will be maintained during the course of the development, including any temporary protection of ecological interests on the access routes. The Environmental Management Plan and

Construction Method Statement shall be implemented as approved for the duration of the approved development including the decommissioning phase.

- (k) The perimeter fencing hereby permitted shall be erected prior to the commencement of any other works on site unless otherwise agreed in writing by the Local Planning Authority.
- (l) The development hereby permitted by this planning application shall only be undertaken in accordance with the submitted Flood Risk Assessment specifically including the following measures:-
 - All access routes shall be permeable surfaces constructed of either mown grass or unbound stones; and
 - The drainage strategy shall be implemented in full prior to any new buildings or arrays being installed at the site.
- (m) The developer shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in writing by the Local Planning Authority beforehand and fully implemented prior to start of construction, and thereafter maintained until the completion of the construction phase.
- (n) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order, 1995 (or any Order amending, replacing or re-enacting that Order), no fixed plant or machinery, buildings, structures and erections, or private ways shall be erected, extended, installed rearranged, replaced, repaired or altered at the site, other than those hereby permitted, without the further grant of planning permission.
- (o) All services shall be placed underground unless otherwise agreed in writing by the Local Planning Authority.
- (p) No external artificial lighting shall be installed on the site.
- (q) No service trenches shall be dug within the canopy of any existing tree within the application site without the prior written approval of the Local Planning Authority.
- (r) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS5837:2005. Such fencing shall be erected prior to any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- (s) No development shall take place until coloured samples of the materials to be used in the construction of the external surfaces of the buildings/containers and colours of the CCTV cameras and their poles have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as

such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

- (t) A full traffic management plan for the site, prior to the development taking place shall be submitted to, and agreed in writing by, the Local Planning Authority and thereafter be fully implemented as agreed.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

- (ii) **WILDLIFE AND THE LAW.** The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation. **BREEDING BIRDS.** Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

- (iii) The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.

- (iv) It is recommended that the developer investigates and specifies appropriate Sustainable Drainage Systems (SuDs) for surface water management on the site, in order to prevent the possibility of the rate of run-off exceeding the existing green field rate, and to reduce any pollution risks associated with potential soil erosion during/immediately after construction. These techniques involve controlling any sources of increased surface water, and include: a) Interception and reuse b) Porous paving/surfaces c) In filtration techniques d) Detention/attenuation e) Wetlands.

- (v) There must be no interruption to the existing surface water and/or land drainage arrangements of the surrounding land as a result of the operations on the site. Provisions must be made to ensure that all existing drainage systems continue to operate effectively.

(vi) Applicant was advised to check for the position of a gas pipeline which apparently crosses the north western corner of the site PRIOR to commencing any works on the site.

(vii) Somerset County Council Rights of Way section advises:-

Any proposed works must not encroach on to the width of the footpath.

The health and safety of walkers must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the cyclepath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the cyclepath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public cyclepath unless the driver has lawful authority (private rights) to do so. In addition, if it is considered that the development would result in any of the outcomes listed below, and then authorisation for these works must be sought from SCC

Rights of Way Group:-

- A Public Right of way being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would make a PROW less convenient for continued public use (or) create a hazard to users of a PROW then a temporary closure order will be necessary and a suitable alternative route must be provided.

(viii) Under Section 59 of the Highways Act 1980 allows the Highway Authority to recover certain expenses incurred in maintaining highways, where the average cost of maintenance has increased by excessive use. The condition survey will be used as evidence should damage to the highway network occur during the construction phase of the development.

County Highway Authority advises that prior to the commencement of development a traffic management plan providing details on the delivery of the photovoltaic panels and equipment to the site should be submitted to the Local Highway Authority and fully implemented thereafter.

Reasons for granting planning permission:-

The proposed development would generate electricity from renewable sources contributing to tackling climate change and meeting renewable energy targets. There would be some short term harm to the visual amenities of the area, but the long term harm is considered to be limited to users of the public footpaths at or near the site. The benefits were, therefore, considered to outweigh the limited harm and the proposal is acceptable in accordance with Policies CP1 (Climate Change) and CP8 (Environment) of Taunton Deane Core Strategy. The development would not cause harm to wildlife interests, residential amenities or highway safety, nor would it lead to an increase in off-site flooding. It was, therefore, considered to be acceptable and in accordance with Taunton Deane Core Strategy Policies

DM1 (General Requirements) and CP8 (Environment) and guidance contained in the National Planning Policy Framework.

31/12/0015

Erection of two storey rear extension and detached double garage at Rosendale, Henlade, Taunton (as amended)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo 2512-02 Rev B Proposed Plans, Elevations and Section
 - (A4) DrNo 2512-03 Location Plan
 - (A4) DrNo 2512-04 Site Plan
 - (A1) DrNo 2512_05 Rev A Proposed Plans and Elevations – Garage
- (c) The accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Rosendale.

(Note to Applicant: - Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission).

Reason for granting planning permission:-

The scheme would assist in providing the required accommodation for a disabled resident, where there were limited other options to achieve this and whilst not an ideal design, is not deemed to cause unacceptable detriment to the appearance of the property or the surrounding area. The proposal, as amended, is not considered to result in a material impact on the residential amenities of the occupiers of neighbouring properties and would have no adverse impact on highway safety. As such, the proposal was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

49/12/0073

Erection of 2 No single storey dwellings with associated garages, parking and access on garden land attached to Spring Gardens, Wiveliscombe (Resubmission of application 49/12/0055)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.

- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A3) DrNo A2012 505 Site Survey
 - (A3) DrNo A2012 504 Elevations
 - (A3) DrNo A2012 503 Ground Floor Plans
 - (A3) DrNo A2012 502 Rev A Site Layout Plan
 - (A3) DrNo A2012 501 Rev B Site and Location Plan
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (d)
 - (i) Prior to implementation a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority details of the design, materials and type of boundary treatment to be erected within the site. The agreed boundary treatment shall be completed before the dwellings are occupied and thereafter so maintained.
- (f) The access, driveway, parking and turnings areas shall be hard surfaced before any dwelling hereby permitted is first occupied, in accordance with drawing number A2012/502. The hard surfacing shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the development site.
- (g) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details.
- (h) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), there shall be no extension, addition or other alteration (including dormer windows) to the dwellings hereby permitted without the further grant of planning permission.

- (i) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any Order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway and footpath boundary and hung so as to open inwards only.
- (j) The development hereby permitted shall not commence until surface water drainage details have first been submitted to, and approved in writing by, the Local Planning Authority. The means of surface water disposal shall be implemented and thereafter maintained in accordance with the approved details.
- (k) The garages hereby permitted shall remain available in perpetuity for the parking of vehicles and the storage of bicycles only.
- (l) There shall be no obstruction to visibility greater than 600mm above adjoining ground surface level in advance of lines drawn 2m back from the shared driveway edge on the centre line of the footpath (as widened) extending to points on the nearside shared driveway edge 2m either side of the footpath as indicated on approved plan A2012-502 Rev A. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times.
- (m) The development hereby permitted shall not commence before details of the proposed crossing and widening of the Public Right of Way (footway) have been submitted to, and approved in writing by, the Local Planning Authority. The details of the crossing shall include a change in surface material and level. No dwelling shall be occupied until the approved details, widening and crossing have been fully provided in accordance with the approved details.
- (n) There shall be no obstruction to visibility greater than 900 mm above adjoining road level in advance of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to points on the nearside (Market Place) carriageway edge 11m either side of the access as indicated on approved plan A2012-501 Rev B. Such visibility shall be fully provided before any dwelling hereby approved is first occupied and shall thereafter be maintained at all times.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and entered into pre-application discussions to enable the grant of planning permission.

(ii) The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design layout to assess the implications. The grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the

applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals that may affect its apparatus.

(iii) The developer is advised of the need to protect the integrity of Wessex Water systems and agree prior to the commencement of works on site, any arrangements for the protection of infrastructure crossing the site with Wessex Water.

(iv) New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made.

(v) You are advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development.

(vi) Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.

(vii) If the development would result in any of the outcomes listed below, then authorisation must be sought from Somerset County Council Rights of Way Group:-

- A Public Right of Way being made less convenient for continued public use;
- New furniture being needed along a PROW;
- Changes to the surface of a PROW being needed;
- Changes to the existing drainage arrangements associated with the PROW.

If the works involved in carrying out this development would make a PROW less convenient for continued public use; or create a hazard to users of a PROW, then a temporary closure order may be necessary and a suitable alternative route must be provided.

(viii) The applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street, and as such, under Sections 219 to 225 of the Highway Act 1980, will be subject to the Advance Payment Code (APC). Given the constraints of the existing access, it will not be possible to construct an estate road to a standard suitable for adoption. Therefore, in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Streetworks Code.

(ix) Please note that due to the combination of works to the carriageway and footway, it is likely that a S278 Agreement will be required by the Highway Authority to secure the works. Having regard to powers of the Highway Authority under the Highways Act 1980, the applicant is advised that the alteration of an existing access will require a Section 171 Permit. Application for such a permit should be made at least four weeks before access works are intended to commence).

Reason for granting planning permission:-

The proposal, for residential development, was located within defined settlement limits where the principle of new housing is considered acceptable.

The proposed access would be satisfactory and would not harm the safety of highway users or pedestrians within the vicinity of the site. The development would not have a detrimental impact on surrounding visual or residential amenity and was considered to be acceptable with regard to the design, scale, form and layout of the proposals. The development was therefore in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR3 and 49 (Transport Requirements of New Development), Policies DM1 (General Requirements) and SP1 (Sustainable Development Locations) and CP4 (Housing) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

- (2) That **planning permission be refused** for the under-mentioned development:-

13/12/0008

Change of use, alterations and conversion of building 14 from B1(light industrial to C3A (dwelling house) at Cothelstone Yard, Cothelstone

Reasons

(1)The application fails to demonstrate that a suitable business or other appropriate re-use cannot be attracted to Building 14. The building has been used previously for business purposes and an extant permission provides a suitable alternative economic re-use for the building. The justification, in terms of requiring security at the site, submitted in support of the application does not carry sufficient weight so as to warrant permitting the residential re-use of the rural building contrary to planning policy which is heavily weighted towards finding other suitable employment and community orientated uses for such buildings. The proposals are therefore contrary to Policy DM2 of the Taunton Deane Core Strategy.

(2) The site is located outside of any defined settlement limits, (as set out in the Taunton Deane Local Plan) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the Plan. Notwithstanding the business floorspace approved within the extant planning permission for Cothelstone Yard, the proposed conversion results in a permanent residential dwelling remote from adequate services, employment, education and other services and facilities generally required for day to day living. Such a proposal would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative sustainable modes of transport. The proposal is therefore considered to be an unsustainable form of development contrary to Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Policies SP1, CP4, CP8, DM1 and DM2 of the Taunton Deane Core Strategy. The proposals also conflict with guidance contained within the National Planning Policy Framework.

(3) The application fails to provide adequate information, in the form of an up to date wildlife and protected species survey and therefore the Council cannot

be satisfied that the proposed development will not result in the deliberate disturbance of a protected species or habitat within Building 14. As a result the proposals fail to satisfy the derogation tests necessary for the Local Authority to discharge its duty set out within Regulation 9(5) of the Habitat and Species Regulations (2010). The proposals are therefore contrary to Policies CP8 and DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

(4) The proposed development will result in a conflict in land use between the residential property and adjoining buildings that are subject to future redevelopment for economic purposes, the permission for which includes community, retail, business and light industrial uses. Nuisance and disturbance generated by the re-use of adjoining buildings will be detrimental to the amenity of future occupants of the proposed dwelling. The proposals are therefore considered to conflict with Policy DM1 of the Taunton Deane Core Strategy.

(Note to applicant: - Applicant was advised that :- In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused).

5. Erection of 7 No. detached dwellings on land to the rear of 14-28 Stoke Road, Taunton (38/12/0265)

Reported this application.

Resolved that subject to the applicant entering into a section 106 Agreement to secure leisure and recreation contributions as well as allotment and community hall contributions, the Growth and Development Manager be authorised to determine the application, in consultation with the Chairman or Vice-Chairman and, if planning permission was granted, the following conditions be imposed:-

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A2) DrNo SPP/1414/1A Vegetation Survey
 - (A1) DrNo Vertexe SGB233 Measured Building Survey
 - (A3) DrNo A1202 407A House Type 12 Plans/Elevations
 - (A3) DrNo A1202/406 House Type 11 Plans/Elevations
 - (A3) DrNo A1202/405A House Type 10 Plans/Elevations
 - (A3) DrNo A1202/404 House Type 9 Plans/Elevations
 - (A3) DrNo A1202/402B Site Layout Plan
 - (A3) DrNo A1202/401 Site Location Plan
 - (A3) DrNo A1202/409 Site Block Plan
 - (A3) DrNo A1202/402B Site Layout Plan

- (A3) DrNo A1202/408A Site Layout Plan
- (c) No wall construction shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. A sample panel of the brick and mortar shall be constructed on site and agreed with the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the building(s) are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Ambios Ecology's submitted report, dated March 2012 and up to date bat surveys and include:-
- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 - Details of the timing of works to avoid periods of work when species could be harmed by disturbance; and
 - Measures for the enhancement of places of rest for the species.
- Once approved, the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for nesting birds and bats shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented.
- (g) Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to, and approved by, the Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved

details unless any variation thereto is first approved in writing by the Local Planning Authority.

- (h) The window(s) in the first floor side elevations of plots 1 and 7 shall be glazed with obscure glass and be limited opening to be agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall be no alteration or additional windows in these elevations without the further grant of planning permission.
- (i) The garages hereby permitted shall be constructed in accordance with the approved plans and shall be retained as such and not be converted to additional habitable accommodation.
- (j) The drives shall be hard surfaced (not loose stone or gravel) before being brought into use. They shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the properties.
- (k) The areas allocated for parking on drawing A1202/402B shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
- (l) At the proposed access there shall be no obstruction to visibility greater than 900 mm above adjoining road level within the visibility splays shown on the submitted plan A1202/408A. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- (m) Before development commences (including site clearance and any other preparatory works) a scheme for the protection of any trees to be retained shall be submitted to, and approved in writing by, the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with BS 5837:2005. Such fencing shall be erected prior to commencement of any other site operations and at least two working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.
- (n) No works on site shall commence until a surface water management plan has been submitted to, and approved in writing by, the Local Planning Authority and plan shall thereafter be carried out as agreed prior to occupation of any dwelling.

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) The condition relating to wildlife requires a mitigation proposal that will maintain favourable status for those species that are affected by this development proposal. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

(ii) The developer should contact Wessex Water in respect to all connections and sewers.

(iii) Having regard to the powers of the Highways Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. Application for such a permit should be made at least four weeks before access works are intended to commence.

(iv) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.)

Reason for planning permission, if granted:-

The proposal, for residential development, was located within defined settlements limits in a sustainable location where the principle of new housing was considered acceptable. The proposed access and parking would be satisfactory and the development would not have a significant detrimental impact on access and traffic or on the amenity of surrounding residential properties and was considered in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49, retained Taunton Deane Local Plan Policies C4 (Recreation Provision) and M4 (Residential Parking Provision) and Core Strategy 2011-2028 policies CP4 (Housing), CP5 (Inclusive Communities) and DM1 (General Requirements).

6. Redevelopment to form 42 later living apartments with communal facilities and associated landscaping and parking at the former Wellington Medical Centre, Bulford, Wellington (43/12/0084)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following contributions:-

- Affordable Housing - £623,790;
- Active Recreation - £30,534; and
- Community Halls - £23,474

The Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice- Chairman and if planning permission was granted, the appropriate conditions to be agreed by the Chairman be imposed, together with any advisory notes and the Reasons for Granting Planning Permission.

7. Outline application for the demolition of Orchard Lodge and redevelopment of site to provide residential dwellings and associated open space at Orchard Lodge, Cotford St Luke (53/12/0008)

Reported this application.

Resolved that subject to the applicants entering into a Section 106 agreement to secure the following:-

- a. 25% of the dwellings to be Affordable.
- b. A contribution of £2,688 per dwelling towards improving existing children's play facilities in the area.
- c. A contribution of £1,454 per dwelling towards improving active recreation facilities in the area.
- d. A contribution of £194 per dwelling towards the provision of Allotments in the area.
- e. A contribution of £1,118 per dwelling towards improvements to community halls in the area.
- f. Public Art should be provided within the development through the engagement of an artist in the design process.
- g. A contribution of £2309 per dwelling towards increasing capacity at Kingsmead (secondary) School,

Also resolved that if the Section 106 Agreement was not entered into and completed by 4 February 2013, planning permission should be refused unless an extension was otherwise agreed in writing by the Local Planning Authority.

The Growth and Development Manager be authorised to determine the application in consultation with the Chairman and Vice-Chair and, if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (b) No demolition shall be undertaken until the implementation of a programme of building recording and analysis has been submitted to and agreed in writing with the Local Planning Authority and such work shall be carried out in accordance with the written brief prior to the demolition of the existing buildings.
- (c) Stone from the existing building to be demolished shall be salvaged from the demolition and retained on site for use within the development. Details of how the stone shall be reused shall be provided as part of any reserved matters application seeking approval of appearance and the development shall thereafter be carried out in accordance with such details.
- (d) Prior to the commencement of the development hereby permitted, full details of the means of disposal of surface water shall be submitted to, and approved by, the Local Planning Authority. Such details shall be implemented prior to the occupation of any of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority and shall thereafter be retained as such. [Please see informative note 2].
- (e) Prior to the commencement of the development hereby permitted, full details of the means of access to the site, including visibility splays, shall be submitted to, and approved in writing by, the Local Planning Authority. The

approved details shall be carried out prior to the occupation of the development hereby permitted, or in accordance with some other phasing programme that may otherwise have been agreed in writing by the Local Planning Authority and shall thereafter be retained and visibility splays maintained in accordance with the approved details as such.

(f) The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and fully implemented prior to start of construction, and thereafter maintained until the use of the site discontinues.

(g) The proposed roads, including footpaths and turning spaces and parking spaces for the dwellings where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway and parking facilities (including cycle parking provision that shall be agreed as part of any reserved matters application) to at least base course level between the dwelling and existing highway.

(h) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Sunflower International Ecological Consultancy's submitted report, dated March 2012 and include:-

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when the species could be harmed by disturbance;
- Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

(i) The landscaping/planting scheme that shall be approved pursuant to condition (a) shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application and contributions

to infrastructure and has imposed conditions to enable the grant of planning permission.

(ii) The details submitted pursuant to condition (d) regarding surface water should use the principles of Sustainable Drainage Systems in the scheme design.

(iii) The details of the means of access to Dene Road to the east of the site, required as part of condition (e) should include facilities to enable the safe crossing of Dene Road by pedestrians to the footway on the opposite side of the road.

(iv) At Dene Road there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage.

(v) At Milsom Place there shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to the extremities of the site frontage to Milsom Place.

(vi) At Aveline Court there shall be no obstruction to visibility greater than 300 mm above adjoining road level in advance of lines drawn 2.4 m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 17m either side of the access.)

Reason for outline planning permission, if granted:-

The proposed development was considered to be acceptable in principle and would not impact unreasonably upon the local highway network or wildlife interests. The impact on infrastructure and community facilities could be mitigated through appropriate planning obligations. It has been shown that a detailed design and layout could be provided that would respect the character of the area, integrate well into the surrounding townscape and not impact unreasonably upon existing nearby dwellings. It was, therefore, in accordance with Policies SD1 (Presumption in favour of Sustainable Development), CP4 (Housing), CP5 (Inclusive Communities), CP6 (Transport), CP7 (Infrastructure), CP8 (the Environment), CP1 (Sustainable Development Locations) and DM1 (General Requirements) of the Taunton Deane Core Strategy, Policy 49 (Transport Requirements of New Development) of the Somerset and Exmoor National Park Joint Structure Plan Review and the National Planning Policy Framework.

8. E/0189/38/12 – Tall fence being erected at Taunton Town Football Club, Wordsworth Drive, Taunton

Reported that it had come to the attention of the Council that a fence had been erected exceeding 2m in height within the Taunton Town Football Ground.

A site visit had been made and the Chairman of the club had advised that the extended height of the fence was required by the Non League Pyramid to comply with ground regulations. He had also advised that the club would not

be submitting an application as the club need all its resources to complete the building works following the recent fire.

The fence was positioned well within the site, separated from the road by the car parking area. A fence was already present in this position, extending to approximately 2m in height and this has now been increased to 3.3m in height it did not appear to dominate the existing or proposed buildings on the site.

By virtue of the positioning well within the site, the 3.3m high fence was not deemed to result in any loss of light or overbearing impact to the amenities of neighbouring properties. The proposal is not considered to lead to any increased noise and disturbance that would impact upon the amenities of neighbouring properties and was positioned a sufficient distance from the road to avoid any harm to highway safety.

Resolved that:- no further action be taken.

9. Appeals

Reported that two appeals had been lodged and three appeal decisions had been received, details of which were submitted.

(The meeting ended at 10.15pm)

Planning Committee – 30 January 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, C Hill,
Miss James, Morrell, Mrs Smith, Tooze, Watson, A Wedderkopp,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Gareth Clifford (East Area Co-ordinator), Tim Burton (Growth and Development Manager), Judith Jackson (Legal Services Manager), Maria Casey (Planning and Litigation Solicitor) and Tracey Meadows (Corporate Support Officer)

Also present: Councillors Cavill, D Durdan and Miss K Durdan in connection with application No.14/12/0036 and Mrs A Elder, A Co-opted Member of the Standards Committee.

(The meeting commenced at 5.00 pm)

10. Apologies

Councillors Govier, Mrs M Hill and Mrs Messenger.

11. Minutes

The minutes of the meeting of the Planning Committee held on 12 December 2012 were taken and read and were signed.

12. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of Somerset County Council. Councillor Nottrodt declared a personal interest as a Director of Southwest One. He also declared that he would step down as Chairman of the Committee for the duration of the Amberd Lane report. The Vice-Chairman Councillor Coles took the Chair for this item. Councillor Mrs Smith declared a personal interest as an employee of Somerset County Council. Councillor Tooze declared a personal interest as an employee of UK Hydrographic Office. Councillor Wren declared a personal interest as an employee of Natural England and Tracey Meadows (Corporate Support Officer) declared a prejudicial interest in application no. 38/12/0468 as the applicant was her daughter. She left the room during consideration of the application.

13. Residential Development at Amberd Lane, Trull

At the meeting of this Committee on 5 September 2012 the above application was considered for the residential development of land at Amberd Lane, Trull.

Following the Committee's decision to recommend approval of the application subject to the conclusion of a Section 106 (S106) Agreement, a letter was received from TLT Solicitors on behalf of a local resident. The first step in the pre-action protocol for Judicial Review of the Council's decision.

In her reply, the Legal and Democratic Services Manager had countered the various issues raised by the solicitors but an offer was also made to refer the matter back to the Committee so that the objectors concerns could be aired. The Committee could also be asked if, having considered the issues, it wished to affirm its earlier resolution to grant permission.

Following this, a meeting was held with two local residents who had since submitted a written statement of their concerns which were set out below together with the Legal Services Manager's responses:-

- 1. The Planning Officer failed to recognise that the policies of the Taunton Deane Core Strategy were pertinent to this application.**
- 2. The Planning Officer failed to acknowledge that the proposal was not in accord with the policies of the development plan.**

In the Committee report reference was made to various policies of the Core Strategy as being relevant planning policies (DM1, DM2, SP1 and CP8). However currently there were no Small Sites Allocation Document relating to sites such as Amberd Land although the first draft was due to be published for consultation shortly but was unlikely to be adopted until 2014 at the earliest.

Paragraph 14 of the Framework made it clear that in decision making, if the development plan was absent, permission should be granted unless:-

- Any adverse impacts of doing so would so significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicated development should be restricted.

It was this test against which the Planning Officer judged the application and the recommendation of conditional approval reflected this.

- 3. The items sought by way of a S106 Agreement did not comply with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010**

The Committee was informed by both the report and verbally at the meeting that some of the obligations offered by the developer were in excess of the standard requirements of the authority which would accord with the CIL Regulations.

However, it had been made very clear to Members that they should not allow additional obligations to sway their judgment on the application and there was no evidence of this.

4. Other administrative shortcomings

Reported that it was accepted that although the Environment Agency had been consulted, they had not responded. They had again been consulted and any response received would be reported to Members.

There was no evidence that undue weight was given by the Committee to the views of Trull Parish Council, and representations made at the meeting last September had made it clear that objectors considered that the Parish Council had been unduly swayed by the proposed benefits for the community

In view of the Legal Services Manager, it was not considered that any issues raised by the objector were sufficient to affect the validity of the decision reached at the meeting on the 5 September 2012.

Resolved that having considered the issues raised by the objector, the earlier decision of the Planning Committee in relation to application No 42/12/0013, be endorsed.

14. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That **planning permission be granted** for the under-mentioned developments:-

38/12/0468

Erection of two storey extension to front of 77 Lyngford Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following plans:-

- (A3) DrNo 07 Proposed Floor Plans and Elevations
- (A3) DrNo 06 Existing Floor Plans and Elevations
- (A4) DrNo 02 Block Plan
- (A4) DrNo 01 Location Plan

(Note to Applicant:-

Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission).

Reason for granting planning permission:-

The proposed development would not harm visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

30/12/0048

Change of use of covered part of store to plumbers store and office at Fosgrove Lane, Pitminster

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plan:-

(A1) DrNo 4234/12 Site Plan

- (c) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to, and approved in writing by, the Local Planning Authority. Such provision shall be installed before the change of use and thereafter maintained at all times.
- (d) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any Order revoking and re-enacting the 1995 Order with or without modification), no change of use of the storage use to any other purpose, including within use B1, shall occur without the further grant of planning permission.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

- (i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had granted planning permission.
- (ii) If new water supply connections are required from Wessex Water to serve this development information can be obtained from the water company.
- (iii) As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRCA) regarding on-site sewage disposal and septic tank systems. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.

Reasons for granting planning permission:-

The proposed use of the building as a plumbers store and office would utilise an existing building in the countryside, which requires minimal alteration to convert it to the intended use. The proposal was not considered to have a

detrimental impact on the rural character of the surrounding landscape or material harm on the residential amenities of nearby properties. Whilst the proposal would have some impact on traffic flows, the County Highways Authority had raise no objection and it was not considered that the proposal would result in detriment to highway safety that would warrant refusal of the application. As such, the proposal was in accordance with the provisions of Policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of Taunton Deane Core Strategy and the relevant sections of the National Planning Policy Framework.

30/12/0046

Variation of condition No. 6 of application 30/02/0013 to site an additional 2 No. mobile homes and 1 No. touring caravan for family members at Fosgrove Paddock, Fosgrove Lane, Pitminster.

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The site shall be occupied by a single gypsy family group as set out under the current submission.
- (c) No trade or business or storage of goods or materials in connection with any trade or business shall take place at the site.
- (d) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting the Order), the design, siting and external appearance of any ancillary building or structure, whether or not required by the conditions of a site licence for the time being in force under Part 1 of the Caravan Sites and Control of Development Act, 1960 (revised 1997) shall be approved by the Local Planning Authority before such building or structure is erected or placed on the land.
- (e) No more than one commercial vehicle shall be parked at the site at any one time.
- (f) No caravans or mobile homes other than those hereby approved shall be sited on the land at any time without the prior written approval of the Local Planning Authority.

(Notes to Applicant: -

- (i) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
- (ii) You are advised that the boundary hedges should be allowed to grow and be maintained at 2m or above.

Reason for granting planning permission:-

The proposal for two additional mobile homes and a touring caravan for family members is considered not to have a detrimental impact upon visual or

residential amenity and was therefore considered acceptable given the lack of suitable alternative sites and, accordingly was considered in line with the NPPF 'Planning policy for traveller sites' and did not conflict with Policy DM1 (General Requirements) and Policy DM3 (Gypsy and Traveller sites of the Taunton Deane Core Strategy).

27/12/0024/REX

Erection of a Horticultural Nursery to include poly tunnel and construction of access at land south of Harris's Farm, Hillcommon (to replace extant permission 27/09/0020/REX)

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission.
- (b) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - (A1) DrNo Proposed access – 18274/001/SK01A
 - (A3) DrNo Street Scene – HLCM/10B
 - (A3) DrNo Ground Floor Plan – HLCM/08B
 - (A3) DrNo Side Elevation (West) – HLCM/07B
 - (A3) DrNo Side Elevation (East) – HLCM/06B
 - (A3) Rear Elevation (South) – HLCM/05B
 - (A3) Front Elevation (North) – HLCM/04B
 - (A4) Site Location Plan – HLCM/01
- (c) Before the commencement of any works hereby permitted, details or samples of the material to be used for all the external surfaces of the building(s) shall be submitted to, and be approved in writing by, the Local Planning Authority, and no other materials shall be used without the written consent of the Local Planning Authority.
- (d) (i) Before any part of the permitted development is commenced, a scheme of planting trees, shrubs and hedges, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained to the satisfaction of the Local Planning Authority and any trees, shrubs or hedges that cease to grow shall be replaced by trees, shrubs or hedges of similar size and species, or the appropriate trees, shrubs or hedges as may be approved in writing by the Local Planning Authority.
- (e) Before any part of the permitted development is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, walls, cobbles or other materials, shall be submitted to, and approved in writing by, the Local Planning Authority. Such scheme

shall be completely implemented before the development hereby permitted is occupied.

- (f) Details of arrangements to be made for the prevention of surface water being discharged onto the public highway shall be submitted to, and approved in writing by, the Local Planning Authority. Such arrangements shall be provided before the proposed access is brought into use.
- (g) Prior to commencement of the development hereby approved, details of any entrance gates to be erected shall be submitted to, and approved in writing by, the Local Planning Authority and retained as such thereafter. Any such gates shall be hung to open inwards and shall be set back a minimum of 10m from the carriageway edge.
- (h) The existing access shall be permanently closed within one month of the access hereby permitted is brought into use. Details of the means of closure shall be submitted to, and approved in writing by, the Local Planning Authority before any part of the development is commenced.
- (i) The visibility splays shown on the submitted plan 18274/001/SK01/A shall be constructed prior to the commencement of the use of the premises and unobstructed visibility shall be provided above a height of 300 mm from adjoining carriageway level and thereafter be maintained at this height and in accordance with drawing 18274/001/sk01/A
- (j) Before any work is commenced, details of the levels and construction details of the access and driveway shall be submitted to, and approved by, the Local Planning Authority and no variation from the approved levels shall take place without the express written consent of the Local Planning Authority.
- (k) Prior to the new access and drive being brought into use, it shall be hard surfaced in tarmacadam or such other material as shall be agreed in writing by the Local Planning Authority for a distance of 10m back from the edge of the carriageway.
- (l) Three months prior to commencement of works on site, a full up to date wildlife survey shall be undertaken by a qualified environmental consultant and a report submitted to, and approved in writing by, the Local Planning Authority. The survey and report shall include an identification of species present, an impact assessment and mitigation/avoidance measures in order to safeguard protected species in accordance with the law. The report shall include
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance.
 3. Measures for the retention and replacement and enhancement of places of rest for the species.Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained.
- (m) Before any part of the permitted development is commenced, details of all boundary walls, fences or hedges forming part of the development, shall be submitted to, and approved in writing by, the Local Planning

Authority and any such wall, fence or hedge so approved shall be erected/planted before any such part of the development to which it relates takes place.

- (n) No external lighting shall be installed on site without the prior written consent of the Local Planning Authority.
- (o) The development hereby approved shall be used for nursery/horticultural purposes only as described in the applicants' e-mail dated 29th September 2006.
- (p) Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent Order amending or revoking and re-enacting that Order) no additional floors, including mezzanine floors shall be erected in the development hereby approved unless an application for planning permission is first submitted to, and approved by, the Local Planning Authority.

(Notes to Applicant: - Applicant was advised to take the following matters into account:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way and had imposed planning conditions to enable the grant of planning permission.

(ii) You are advised that the soakaway should be constructed in accordance with Building Research Digest 365 (September 1991).

(iii) you are advised by the County Rights of Way Group that:-

- The proposed works must not encroach onto the width of the footpath.
- The health and safety of walkers must be taken into account during works to carry out the proposed development.
- Somerset County Council has maintenance responsibilities for the surface of the footpath, but only to a standard for pedestrians.
- Somerset County Council will not be responsible for putting right any damage occurring to the surface of the footpath resulting from vehicle use during or after works to carry out the proposal.
- If the development made the public right of way less convenient for continued public use, required changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided).

(iv) Applicant was also advised of the following by the Nature Conservation Officer:-

1. The condition relating to wildlife requires the submission of information to protect and accommodate wildlife. The Local Planning Authority will expect to see a detailed wildlife survey and a method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for wildlife that are affected by this development proposal.

2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of

the need for planning consent) must comply with the appropriate wildlife legislation.

Reason for granting planning permission:-

There has been no significant change in policy guidance or material considerations since the previous permission was granted in November 2009, under reference 27/09/0020. It was therefore considered that the proposed extension of time for the implementation of that permission by grant of a new permission was acceptable and accorded with Policy 5 of the Somerset and Exmoor National park Joint Structure Plan Review, policies DM1 (General Requirements), DM2 (Development in the Countryside) and CP8 (Environment) of the Taunton Deane Core Strategy.

- (2) That **planning permission be refused** for the under-mentioned development:-

42/12/0058

Erection of dwelling in rear garden and formation of new access at Ashridge, Honiton Road, Trull

Reasons

The proposal for this rear garden would result in a cramped form of single storey development out of keeping with and detrimental to the character of the area and contrary to Policy DM1d of the Taunton Deane Core Strategy 2011-2028.

15. Outline application for residential development of 35 No houses, Scout Hut, recreational open space and associated works at land south of Hyde Lane, Creech St Michael (14/12/0036)

Reported this application

Resolved that subject to the applicants entering into a Section 106 Agreement to secure the following:-

- 25% Affordable Housing provision on site,
- Contribution of £85,799 towards primary education,
- Contribution of £92,345 towards secondary education,
- Contribution of £1434 per dwelling towards the provision of outdoor active recreation,
- Contribution of £2668 per dwelling towards the provision of children's play facilities,
- Contribution of £194 per dwelling for allotments or a reduction thereof if there is a partial provision made on site,
- Contribution of £1118 per dwelling towards a community hall facility in Creech St Michael as well as provision of land for a scout hut,
- provision of maintenance of the open space and flood attenuation area

- a contribution of £35,000 (or £1000 per plot) for the provision of a footway link to the secondary school,
- provision of footway link to Hollinsworth Park and the M5 bridge and
- Green Travel Plan measures

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and if outline planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- (b) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.
- (c) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained as such, unless otherwise agreed in writing by the Local Planning Authority.
- (d)
 - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.
- (e) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted

to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved. No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to, and approved in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:-

- details of which areas drain to which attenuation facility and the associated volumes projected ; and
- details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

- (f) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of the submitted Sunflower international Ecological Consultancy's Environmental (Ecological) Impact Assessment and Extended phase 1 Habitat survey report, dated August 2011 and the submitted Sunflower international Ecological Consultancy's Ecological Mitigation report dated January 2012 and includes:-

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and
3. Measures for the retention and replacement and enhancement of places of rest for the species.

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented.

- (g) Prior to the commencement of any development works, the applicant shall, examine the premises/land and identify what measures, if any, may be necessary to ensure that noise from existing sources will not be detrimental to the amenity of the occupants of the premises on the completed development. The applicant shall submit to the Planning Authority all details of any sound reduction scheme recommended and the reasoning upon which any such scheme is based. Such details are to be agreed, in writing, by the Local Planning Authority prior to the commencement of development works. All works that form part of the scheme shall be completed before the development is occupied.

- (h) Proposals for the boundary treatment for the site adjacent to the M5 shall be submitted to, and approved in writing by, the Local Planning Authority, in consultation with the Highways Agency, and then implemented prior to occupation of any development.
- (i) Prior to the construction works commencing a Construction Management Plan (CMP) shall be submitted to the Local Planning Authority, in consultation with the Highways Agency, and approved in writing. The plan as approved shall be implemented throughout the development works.
- (j) Details of the noise levels for any pumping station to be provided on site shall be submitted to, and approved in writing by, the Local Planning Authority prior to it being installed.
- (k) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.
- (l) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the service road and extending to points on the nearside carriageway edge 25m either side of the junction. Such visibility shall be fully provided before the development hereby permitted is commenced/occupied/brought into use and shall thereafter be maintained at all times.
- (m) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, and a drainage scheme for the site showing details of gullies, connections, soakaways and means of attenuation on site shall be submitted to, and approved in writing by, the Local Planning Authority. The drainage works shall be carried out in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Such provision shall be installed before occupation of the dwellings and thereafter maintained at all times.
- (n) The proposed estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.
- (o) The gradients of the proposed drives to the dwellings hereby permitted shall not be steeper than 1 in 10 and shall be permanently retained at that gradient thereafter at all times.

- (p) None of the dwellings hereby permitted shall be occupied until a network of cycleway and footpath connections has been constructed within the development site in accordance with a scheme to be submitted to, and approved in writing by, the Local Planning Authority, including a connection with footpath number T 10/26 along the southern edge of the site and connecting with Hyde Lane.

(Notes to applicant: - Applicant was advised to take the following matters into consideration:-

(i) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council had worked in a positive and pro-active way with the applicant and had negotiated amendments to the application to enable the grant of planning permission.

(ii) The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how the wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for the wildlife that are affected by this development proposal.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 01823 285500). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

(iii) Guidance on suitable internal noise levels can be found in British Standard BS8233 1999. This recommends that internal noise levels arising from external sources should not exceed 40 decibels LAeq in all living and bed rooms during the day (0700h to 2300h) and 30 decibels LAeq during the night (2300h) to 0700h). In addition a 45 decibel L_{Amax} applies in all bedrooms during the night (2300h to 0700h).

Reason for outline planning permission, if granted:-

The proposed development of up to 35 houses would result in a sustainable form of development which, with appropriate landscaping, would not prejudice the open character of the area. As such the proposal was in accordance with the provisions of Policies SD1 and SP1 of the Core Strategy. The adverse impacts of the development did not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole. The proposal is considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Policies CP4 (Housing) and DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy C4 of the Local Plan.

16. E/0172/17/12 – Occupied mobile home at Pond Cottage, Fitzhead Road, Fitzhead

Reported that it has come to the attention of the Council that a mobile home was being occupied without any special justification on land at Pond Cottage, Fitzhead Road, Fitzhead.

The site was in open countryside and accessed via a track from the main access to Pond Cottage. Although the occupants were related to the owners of the land, the mobile home was no longer being used as ancillary accommodation to Pond Cottage. Therefore it was considered that a change of use had occurred which required planning permission.

Resolved that:-

(1) Enforcement action be authorised seeking the cessation of the occupation of the mobile home as a separate unit of accommodation, on land at Pond Cottage Fitzhead Road, Fitzhead.

(2) Any enforcement notice served should have a six month compliance period for the occupants to find alternative accommodation; and

(3) subject to being satisfied with the evidence, the Solicitor to the Council instigate legal proceedings.

17. E/0072/38/10 – Untidy site at 18 Hoveland Lane, Taunton

Reported that it has come to the attention of the Council that a residence in Hoveland Lane had become extremely untidy. A Notice under Section 215 of the Town and Country Planning Act 1990 requiring the gardens to be tidied and the fabric of the dwelling repaired had therefore been recommended.

The matter had been previously discussed with the owner and it was decided in the first instance to draw up a schedule of urgent works to be carried out in order to avoid the notice being served. A commencement was made but unfortunately the work was not completed.

The condition of the garden and dwelling had since been allowed to deteriorate further to a point where the adjoining property had had to engage professionals to deal with the infestation of vermin. The condition of the site was now so poor that the service of a Section 215 Notice was the only option available to the Local Planning Authority to secure the improvements needed so as not to be detrimental to the visual amenities of the neighbouring property and surrounding area.

Resolved that: - (a) the Solicitor to the Council be authorised to serve a Notice under Section 215 of the Town and Country Planning Act 1990, requiring;

- (1) The overgrown vegetation to be removed from the front garden area and the garden to be left in a tidy condition;
 - (2) The plastic bags partially filled with rubbish to be removed from the driveway and porch and;
 - (3) Repairs to be carried out to the fabric of the dwelling to prevent further deterioration which would detract further from the visual amenities of the area;
- (b) Any notice served should have a 4 month compliance period;
- And;
- (c) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

18. E/0008/30/13 – Unauthorised change of use of land for siting of two touring caravans on land known as Gypsy Platt, Leigh Hill, Nr Burnworthy

Reported that it has come to the attention of the Council that land known as Gypsy Platt, Leigh Hill, Nr Burnworthy was being used to site two caravans which were being used for residential occupation.

The caravans were sited in an isolated area that was not well related to existing built structures and would be clearly visible from the adjacent lane. It was therefore stark and prominent in appearance, resulting in detriment to the landscape character and rural beauty of the Blackdown Hills Area of Outstanding Natural Beauty.

Resolved that:-

- (1) Enforcement action be authorised to secure the removal of the two caravans and cease residential occupation of the site at Gypsy Platt, Leigh Hill, Nr Burnworthy.
- (2) Any enforcement notice served should have a six month compliance period and;
- (3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

19. E/0135/38/12 – Unauthorised use of property for sales of Motor Vehicles at 10 Fullands Road, Taunton

Reported that an Enforcement Notice had been issued on 4 December 2012 to stop the sale of motor vehicles from 10 Fullands Road, Taunton which had been taking place without planning permission.

The owner had now acquired commercial premises in Taunton where he now operated his car sales business.

Resolved that the enforcement notice be withdrawn.

20. Appeals

Reported that two appeals had been lodged, details of which were submitted.

(The meeting ended at 9.10pm)